



Patent Docket P1979R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Paul G. Brunetta et al. Serial No.: 10/719,310 Filed: November 21, 2003 For: THERAPY OF NON-MALIGNANT DISEASES OR DISORDERS WITH ANTI-ERBB2 ANTIBODIES	Group Art Unit: To Be Assigned Examiner: To Be Assigned Confirmation No: To Be Assigned CUSTOMER NO: 09157 CERTIFICATE OF HAND DELIVERY I hereby certify that this correspondence is being hand delivered to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 2, 2004 <i>R. H. Mitchell</i>
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

(X) **37 CFR §1.97(b)**

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); or
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491, or
- before the mailing of the first Office action on the merits; or
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.

0 **37 CFR §1.97(c)**

- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of allowance under 37 CFR §1.311, or an action that otherwise closes

allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) or a statement as specified in 37 CFR §1.97(e), as checked below.

☐ **37 CFR §1.97(d)**

- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) and a statement as specified in 37 CFR §1.97(e), as checked below.

[If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.]

- ☐ **37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ **37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- ☐ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified). A copy of the items on PTO-1449 is supplied herewith. U.S. patents and patent applications are not included. Pursuant to a Patent Office waiver signed July 11, 2003, applicants are no longer required to submit copies of United States patents cited in information disclosure statements for applications filed after June 30, 2003 (1276 OG 55).

A concise explanation of relevance of the items listed on PTO-1449 is:

- ☐ not given

- ☐ given for each listed item
- ☒ given for only non-English language listed item(s) [Required]
- ☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR § 1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR § 1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

Date: March 29, 2004

By: _____

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FORM PTO-1449

U.S. Dept. of Commerce
Patent and Trademark OfficeAtty Docket No.
P1979R1Serial No.
10/719,310

LIST OF DISCLOSURES CITED BY APPLICANT

(Use several sheets if necessary)

Applicant

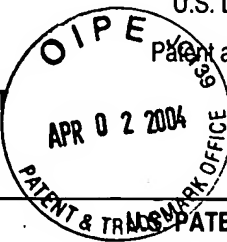
Paul G. Brunetta et al.

Filing Date

21 Nov 2003

Group

Not Yet Assigned



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	1	2002/0076695	20.06.02	Ross, J.			
	2	2002/0155527	24.10.02	Stuart et al.			
	3	2003/0103973	05.06.03	Rockwell et al.			
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Examiner

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FORM PTO-1449 U.S. Dept. of Commerce Patent and Trademark Office LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary)	Atty Docket No. P1979R1	Serial No. 10/719,310
	Applicant Paul G. Brunetta et al.	
	Filing Date 21 Nov 2003	Group Not Yet Assigned

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	104	WO 00/61185	19.10.00	PCT				
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	147	WO 98/16628	23.04.98	PCT				
	148	WO 98/17797	30.04.98	PCT				
	149	WO 98/18489	07.05.98	PCT				
	150	WO 98/33914	06.08.98	PCT				
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LIST OF DISCLOSURES CITED BY APPLICANT

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